

May 10, 2004

REMARKS

In the Office Action, the Examiner indicated that claims 1 through 20 are pending in the application and the Examiner rejected all claims. In view of these remarks, the Examiner is respectfully requested to reconsider the pending rejections and allow the claims.

On page 2 of the Office Action, the Examiner correctly recites the requirements of 37 C.F.R. 1.111(b) and then opines that the Applicant failed to meet these requirements. Although no response is required, Applicant wishes to establish a clear record and thus responds as follows. Applicant respectfully disagrees that Applicant did not comply with 37C.F.R. 1.111(b); Applicant specifically pointed out to the Examiner that EVERY claim patentably distinguishes from the references since EVERY claim includes the "plateauing limitation" described in numerous previous responses and briefs and reiterated below, and Applicant also pointed out that none of the references teach or suggest this feature, taken individually or in combination. This is clearly in compliance with 37 C.F.R. 1.111(b).

The Claim Objections

On page 3 of the Office Action, the Examiner objected to claims 7 and 14 for "not further limiting the subject matter of the preceding claim". Applicant respectfully traverses this objection, but has amended claims 7 and 14 to clarify the issues for appeal. Claim 7 does, indeed, further limit the subject matter of claim 1. Step 2 of claim 1 does generate an optimized rule and the optimized rule is stored in an optimized rule storage area. This process is repeated, as claimed in claim 7, so that each time one of these optimized rules is developed, it is stored as part of the optimized rule set, which can contain (and preferably

does contain) plural optimized rules. As stated in claim 7 (and 14), this process is repeated until a predetermined number of optimized rules are stored. As a result of the process of claim 7 (and claim 14), a new optimized rule is generated and added to the optimized rule set. Claims 7 and 14 have been amended to make clear that the rules stored as part of the optimized rule set are optimized rules. Accordingly, claim 7 (and claim 14) further limit the claims from which they depend. The Examiner is respectfully requested to reconsider and withdraw the objection to claims 7 and 14.

The Rejections under 35 U.S.C. §§102 and 103

The Examiner has acknowledged Applicant's recitation of the teachings of the present invention and of the Hung and Chidambaran references and they are therefore not repeated herein.

While the Examiner may not have invited an evaluation of Hung (or Chidambaran), it is Applicant's opinion that one MUST evaluate their teachings before being able to properly distinguish their teachings from the claims of the present invention. Applicant HAS shown how the claims of the present invention distinguish from the teachings (and suggestions) of the prior art.

What this prosecution boils down to is a dispute as to whether "plateauing" as claimed in the present invention is synonymous with the meeting of a threshold as described in Hung. Applicant maintains that they are different, for the reasons previously set forth. Applicant adds the following additional argument in support of its position.

A threshold is simply a "time-out" mechanism. When it is reached, all further processing stops. A plateau, by contrast, is an indication of a local maximum. Neither

reaching a plateau nor reaching a threshold guarantee that a global maximum has been reached. However, if a threshold is reached, and the function is still increasing beyond the threshold, it is a certainty that the local maximum has not been reached. Therefore, reaching a plateau is a stronger indicator than reaching a threshold.

With regard to the function $f(x) = x^2$, one cannot maximize such a function, as it does not have a maximum, i.e., it continues to infinity. The fact remains that Hung will stop improving as soon as the threshold is reached, regardless of whether there would be continued improvement if the threshold were ignored. The claimed invention looks at plateauing rather than thresholds, and thus achieves better results than Hung and/or Chidambaran.

Conclusion

Applicant has presented, in this response and in the multiple previously-filed papers, sufficient reasons why the present invention patentably defines over the Hung and Chidambaran references, both taken alone and in combination.


The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

May 10, 2004

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted,

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Date

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